



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Twenty-first Day

Monday Afternoon

February 18, 2019

The invocation was offered by Pastor Bill Grandi of Owen Valley Christian Fellowship Church in Spencer, a guest of Representative Heaton.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Mahan.

The Speaker ordered the roll of the House to be called:

Abbott	Huston
Austin	Jackson
Aylesworth	Jordan
Bacon	Judy
Baird	Karickhoff
Barrett	Kirchhofer
Bartels	Klinker
Bartlett	Lauer
Bauer	Lehe
Beck	Lehman
Behning	Leonard
Borders	Lindauer
Boy	Lucas
T. Brown	Lyness
Burton	Macer
Campbell	Mahan
Candelaria Reardon	Manning
Carbaugh	May
Cherry	Mayfield
Chyung	McNamara
Clere	Miller
Cook	Moed
Davisson	Morris
Deal	Morrison
DeLaney	Moseley
DeVon	Negele
Dvorak	Nisly
Eberhart	Pfaff
Ellington	Pierce
Engleman	Porter
Errington	Prescott
Fleming	Pressel
Forestal	Pryor
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton <input type="checkbox"/>	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr

VanNatter ☐
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 185: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 19, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 10

Representatives Lehe, Prescott, Wright and Cherry introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION recognizing FFA and all of its work to advance the quality of agricultural education both locally and nationally.

Whereas, The FFA national organization, established in 1928, and Indiana FFA, established in 1929, have prepared future generations for the challenges of feeding a growing population;

Whereas, The National FFA encompasses the 50 states and two U.S. territories and continues to grow, with 653,359 members and 8,568 local chapters, while the Indiana FFA membership has grown to more than 12,200 members in 209 chapters;

Whereas, The FFA motto of "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" has been upheld and applied by the organization by focusing on the individual student and providing a path to achievement in premier leadership, personal growth, and career success through agricultural education;

Whereas, The organization's directive is to develop agricultural leaders, increase awareness of the importance of agriculture, strengthen the confidence of the students involved, promote the choice of agriculture as a career, encourage agricultural experience programs, highlight wise management of community resources, develop members' interpersonal skills and character, promote cooperation and healthy lifestyles, and encourage excellence in scholarship; and

Whereas, FFA Week started in 1947 as an opportunity for members, alumni, and sponsors to celebrate and advocate for agricultural education, and the FFA will be celebrated this year February 16-23: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes FFA as an integral part of agricultural education both locally and nationally.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana FFA state officers Samantha DeLey, president; Brittany Gonzales, secretary; Savannah Bordner, North Region vice president; Nathan Deatrick, South Region vice president; Austin Berenda, treasurer; Chyenne Deno, reporter; Jarrett Bailey, sentinel.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Leising.

House Concurrent Resolution 17

Representatives Heaton, Pierce, Mayfield, Ellington and May introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a portion of State Road 45 the "Sarah Irene Haylett-Jones Memorial Highway" in memory of Deputy Sarah Haylett-Jones of the Monroe County Sheriff's Office.

Whereas, Deputy Sarah Irene Haylett-Jones displayed passion for public safety, law enforcement, and a need to help others throughout her life;

Whereas, Deputy Haylett-Jones was born on April 2, 1981, to Wayne and Kimalee Haylett;

Whereas, In her youth, she was active in the 4-H, Big Brothers and Big Sisters, and had become a captain in the Michigan State Police Explorers program;

Whereas, Deputy Haylett-Jones was a veteran of the United States Air Force, serving from 2001 to 2006 and becoming the president of the Airman's Association;

Whereas, Deputy Haylett-Jones continued her life in public service, earning a position with the Montgomery, Alabama, Police Department and serving for one and one half years before moving to Indiana to join the Monroe County Sheriff's Office;

Whereas, Deputy Haylett-Jones suffered injuries that she sustained on October 17, 2008, after being struck by a vehicle while directing traffic around an accident at the intersection of West Airport Road and State Road 45 outside of Bloomington, Indiana;

Whereas, At the age of 27, Deputy Haylett-Jones passed away on October 19, 2008, and was survived by her parents, Wayne and Kimalee; husband, Chris; in-laws, Steven and Connie; two brothers, Matthew and Jess; and her grandmother, Vivian;

Whereas, It is fitting that the Indiana General Assembly recognize Deputy Haylett-Jones's service to Indiana, as well as her lifetime spent in the service of others; and

Whereas, The Indiana General Assembly urges the Indiana Department of Transportation to rename a portion of State Road 45 the "Sarah Irene Haylett-Jones Memorial Highway" in memory of Deputy Haylett-Jones's service to Monroe County and Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename a portion of

State Road 45 near the intersection with West Airport Road in Monroe County the "Sarah Irene Haylett-Jones Memorial Highway" to honor Deputy Haylett-Jones and remember her devotion to public safety and service to others.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Deputy Haylett-Jones and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 18

Representative Wright introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a portion of State Road 67 the "Trooper Bob Garrison Memorial Highway" in honor of Trooper Robert Jack Garrison.

Whereas, Trooper Robert "Bob" Garrison was born on May 29, 1932, to Goldie and William Garrison;

Whereas, Trooper Garrison met his wife, Louise (Phillips) Garrison, while they attended high school, and the two married shortly after graduation on November 9, 1951;

Whereas, Trooper Garrison was a U.S. Army veteran of the Korean War and served as a military policeman;

Whereas, Trooper Garrison earned his place with the Indiana State Police in 1955 and later patrolled Delaware County with his fellow troopers;

Whereas, At the age of 27, Trooper Garrison passed away from injuries that he sustained during a traffic accident on State Road 67 while responding to a call to help an injured child;

Whereas, A tribute published in the Muncie Evening Press on December 16, 1959, stated that, "Garrison had a real zest for life—a buoyance which made him a genuine friend, in the true sense of friendship", and lauded his sincerity, integrity, and devotion as a police officer;

Whereas, Trooper Garrison was survived by his wife, two sons, daughter, brothers, sisters, and parents;

Whereas, It is fitting that the Indiana General Assembly recognize Trooper Garrison's service to Indiana and honor his name on behalf of his loved ones and descendants; and

Whereas, The Indiana General Assembly urges the Indiana Department of Transportation to rename a portion of State Road 67 the "Trooper Bob Garrison Memorial Highway" in memory of Trooper Garrison's service to Delaware County and the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename a portion of State Road 67 where State Road 67 intersects South Honeycreek Road and South Cowan Road in Delaware County the "Trooper Bob Garrison Memorial Highway" to honor Trooper Garrison and remember his service to Delaware County, the state of Indiana, and the United States of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the family of Trooper Garrison and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 18

Representative Beck introduced House Resolution 18:

A HOUSE RESOLUTION congratulating and recognizing Emma Wright as the first state champion of Hobart High School's swimming program in Hobart, Indiana.

Whereas, Emma Wright joined the Hobart High School swimming program as a freshman and set a goal for herself to win a state title in swimming by her junior year;

Whereas, Emma, as a sophomore, became the first state champion in history of the swimming program on February 9, 2019;

Whereas, Emma won the title competing in the 100-yard freestyle at the IU Natatorium in Indianapolis during the Indiana High School Athletic Association's Swimming and Diving State Championship;

Whereas, Emma was the only swimmer to break 50 seconds in the 100-yard freestyle with a time of 49.95 seconds; and,

Whereas, Emma's dedication, training, and passion earned her a state title and a place in history at Hobart High School: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates and recognizes Emma Wright as the first state champion of the Hobart High School swimming program in Hobart, Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Emma Wright and the coaches of the Hobart High School swimming program, Katie Rinas and Ken Cawthon.

The resolution was read a first time and adopted by voice vote.

House Resolution 19

Representative Austin introduced House Resolution 19:

A HOUSE RESOLUTION congratulating Mr. Steve Wallace as a successful songwriter and for his many years of service to the city of Anderson and the state of Indiana.

Whereas, Mr. Steve Wallace, a longtime Anderson, Indiana, resident, has been working as a songwriter for 35 years;

Whereas, Mr. Wallace has written over 200 songs which include 70 No. 1 songs worldwide;

Whereas, Mr. Wallace received the 2015 "Samaritan Heart Award" for his exemplary service to his community that included donating song royalties to organizations such as the American Cancer Society;

Whereas, Mr. Wallace collaborated with artist Mark Sutton on his song, "Anderson Speedway", which has been played in over 170 countries and won over 70 awards from 2013 to 2015;

Whereas, Mr. Wallace has enjoyed a successful music career while persevering through many challenges posed by his battle with dystonia, a neurological disorder that affects his muscles and speech; and

Whereas, Mr. Wallace is an inspiration to all Hoosiers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives congratulates Mr. Steve Wallace as a successful songwriter and for his many years of service to the city of Anderson and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Steve Wallace.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 12. IC 20-34-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Seizure Safe Schools

Sec. 1. As used in this chapter, "seizure action plan" means a written, individualized health plan established under section 3 of this chapter that is designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder by a physician.

Sec. 2. (a) A governing body (or the equivalent) of a school corporation, charter school, or nonpublic school with at least one (1) employee shall, if notified by a student's parent in writing on a form prescribed by the department that the student has been diagnosed with a seizure disorder, designate at least one (1) employee at the school the student attends who has met the training requirements under this section to treat seizure disorder symptoms for a student who has a seizure action plan under section 3 of this chapter.

(b) An employee designated under subsection (a) shall obtain training, in a manner prescribed by the department, regarding the:

- (1) administration of seizure medications; and
- (2) recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.

The training requirements prescribed by the department must be consistent with training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization.

Sec. 3. (a) A parent of a student diagnosed with a seizure disorder by the student's physician who notifies the school under section 2 of this chapter may collaborate with school personnel to establish a seizure action plan for the student. The seizure action plan shall be kept on file in either the office of the school nurse (as defined in IC 20-34-4.5-0.8) or school administrator and copies provided to each teacher responsible for supervision or care of the student.

(b) As part of the seizure action plan established under subsection (a), the student's parent may authorize the employee designated under section 2 of this chapter to administer a seizure rescue medication or medication prescribed by the student's physician to treat seizure disorder symptoms. The medication must be a seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the federal Food and Drug Administration or a successor agency. The authorization required under this subsection shall include the following information:

- (1) The student's name.
- (2) The name and purpose of the medication to be administered to the student.
- (3) The prescribed dosage of the medication.
- (4) The route of administration of the medication.
- (5) The frequency at which the medication may be administered.

(6) The circumstances under which the medication may be administered to the student.

The authorization provided by the parent under this subsection shall be effective for the school year in which the authorization is made and shall be renewed each school year.

(c) The parent that authorizes the administration of medication under subsection (b) shall provide the prescribed medication to the school in the medication's unopened, sealed package with the label affixed by the dispensing pharmacy intact.

(d) The state board shall adopt rules under IC 4-22-2 necessary to administer this section."

SECTION 14. An emergency is declared for this act."

Delete pages 12 through 13.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass

(Reference is to HB 1089 as introduced.)

Committee Vote: yeas 9, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "five-tenths percent (0.5%)," and insert **"one percent (1%),"**

Page 5, line 1, delete "five-tenths percent (0.5%)," and insert **"one percent (1%),"**

Page 6, line 27, delete "one percent (1%)," and insert **"two percent (2%),"**

(Reference is to HB 1362 as printed February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 8.

Page 9, delete lines 1 through 41.

Page 11, line 40, delete "or (d)".

Page 11, line 41, reset in roman "subsection".

Page 11, line 41, delete "subsections".

Page 11, line 42, delete "and (d)".

Page 12, delete lines 2 through 42.

Delete page 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1397 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Behning, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1518, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 62, delete lines 37 through 42.

Page 63, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1518 as printed February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-27-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 11. Anti-hazing Program

Sec. 1. The definitions set forth in IC 35-42-2-2.5(a) apply throughout this chapter.

Sec. 2. (a) This section does not apply to Ivy Tech Community College.

(b) Each postsecondary educational institution shall provide students with an educational program on hazing based on research and best practices, which shall include information on:

- (1) hazing awareness;**
- (2) hazing prevention;**
- (3) the postsecondary educational institution's policies on hazing; and**
- (4) hazing intervention and the legal and institutional consequences of hazing.**

(c) Each postsecondary educational institution shall provide all staff who advise or coach student organizations with a mandatory educational program on hazing based on research and best practices, which shall include information on:

- (1) hazing awareness;**
- (2) hazing prevention;**
- (3) the postsecondary educational institution's policies on hazing; and**
- (4) hazing intervention and the legal and institutional consequences of hazing.**

(d) Each postsecondary educational institution shall develop a process for ensuring that all new students participate in the program described in subsection (b).

(e) A program described in subsection (b) or (c) may be conducted in person, online, or by another electronic means.

(f) National organizations shall provide separate and supplemental anti-hazing education for their local affiliate chapters operating within Indiana.

(g) A postsecondary educational institution may seek assistance and resources from additional entities in fulfillment of the requirements of this chapter.

Sec. 3. (a) Beginning in the academic school year beginning in 2020, and subject to subsection (b), a postsecondary educational institution shall maintain a report of all hazing violations of the postsecondary educational institution's disciplinary rules or violations of state or federal law and post a copy of the report on the postsecondary educational institution's Internet web site. The report shall include:

- (1) the name of the organization;**
- (2) when the organization was charged with misconduct;**
- (3) the date on which the citation was issued or the incident occurred;**
- (4) the date the investigation was initiated; and**
- (5) a general description of the incident, and the**

charges, findings, and sanctions placed on the organization.

Investigations that do not result in a finding of formal violations of the student code of conduct shall not be included in the report.

(b) The report may not include any personal identifying information of individual student members and shall be subject to the requirements of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

(c) Each postsecondary educational institution shall update the report at least ten (10) calendar days before the start of the fall and spring academic semesters.

(d) Each postsecondary educational institution must make reports required under this section available on its Internet web site in a prominent location. The web page that contains the reports must include a statement notifying the public concerning where a member of the public may obtain the additional information that is not protected under the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

(e) Each postsecondary educational institution shall maintain reports required under this chapter for five (5) years. In addition, nothing in this chapter may be construed to prohibit additional information being provided under IC 5-14-3. Each postsecondary educational institution shall furnish a printed notice of the nature and availability of this report and the Internet web site address where it can be found to attendees at student orientation.

(f) Each postsecondary educational institution is required to report to a law enforcement agency within seventy-two (72) hours any hazing allegation that involves serious bodily injury or a significant risk of serious bodily injury.

Sec. 4. Upon learning of any alleged act of hazing subject to IC 35-42-2-2.5, a postsecondary educational institution is required to use its standard campus disciplinary process to investigate individual students alleged to be involved in the hazing.

SECTION 2. IC 35-31.5-2-63.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 63.5. "Contributory hazing" means an offense described in IC 35-42-2-2.6.

SECTION 3. IC 35-31.5-2-151, AS AMENDED BY P.L.86-2018, SECTION 331, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 151. "Hazing", for purposes of IC 35-42-2-2.5, has the meaning set forth as described in IC 35-42-2-2.5(a); IC 35-42-2-2.5(a)(2).

SECTION 4. IC 35-42-2-2.5, AS ADDED BY P.L.158-2013, SECTION 424, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization;

to perform an act that creates a substantial risk of bodily injury.

(a) The following definitions apply throughout this section:

- (1) "Educational institution" means any postsecondary educational institution.
- (2) "Hazing" means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a minor or student of an educational institution (whether or not committed on the educational institution's campus or property) for the purpose of recruiting to, joining, pledging to, initiating in, admitting to, or affiliating with, or for the purpose of continuing or enhancing status in, an organization that causes a minor or student to do any of the following:
 - (A) Be coerced to violate federal or state law.

(B) Be coerced to consume any food, liquid, alcoholic liquid, drug, or other substance in any noncustomary manner that subjects the minor or student to a substantial risk of emotional or physical harm that includes sickness, vomiting, intoxication, or unconsciousness.

(C) Endure brutality of a physical nature, including whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements, or endure threats of such conduct that results in medically verifiable mental or physical harm.

(D) Endure brutality of a mental nature that subjects the individual to extreme mental distress, including sleep deprivation, exclusion from social contact, conduct that could result in extreme embarrassment, or other forced activity that results in medically verifiable mental or physical harm.

The term does not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

(3) "Local affiliate organization" means an organization that is chartered or recognized by a national organization and may include students or nonstudents.

(4) "National organization" means an organization that is separate from a local affiliate organization and may charter or recognize local affiliate organizations at multiple educational institutions.

(5) "Organization" means:

- (A) a club;
- (B) an association;
- (C) a corporation;
- (D) an order;
- (E) a society;
- (F) a corps;
- (G) a private club;
- (H) a fraternity;
- (I) a sorority;
- (J) a varsity or club athletic team; or
- (K) a service, social, or similar group whose members are primarily students or alumni of one (1) or more educational institutions.

(6) "Postsecondary educational institution" means any public or private institution within Indiana authorized to grant an associate degree or higher academic degree.

(b) A person who knowingly or intentionally performs hazing commits a ~~Class B~~ **Class A** misdemeanor. However, the offense is a ~~Level 6~~ **Level 5** felony if it results in:

- (1) serious bodily injury; ~~to~~
- (2) a blood alcohol content of at least twenty-five hundredths (0.25) grams of alcohol per:
 - (A) one hundred (100) milliliters of the person's blood; or
 - (B) two hundred ten (210) liters of the person's breath; or
- (3) death;

of another person, and a **Level 5** felony if it is committed by means of a deadly weapon.

(c) A person, **local affiliate organization, national organization, or organization**, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator were an adult, ~~who~~ that:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in subdivision (1) or (2); or
- (4) supervises a reporting or participating person

described in subdivision (1) or (2); is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(d) A person **or entity** described in subsection (c)(1) or (c)(2) is presumed to act in good faith.

(e) A person **or entity** described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person **or entity** did not have probable cause to believe that a person committed:

- (1) an offense under this section; or
- (2) a delinquent act that would be an offense under this section if the offender were an adult.

(f) The implied or expressed consent of the person or persons against whom the hazing was directed shall not be a defense to any action brought under this section.

(g) The argument that the conduct was sanctioned or approved by the educational institution, secondary school, or organization or was traditional or customary shall not be a defense to any action brought under this section.

SECTION 5. IC 35-42-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.6. (a) The definitions set forth in section 2.5 of this chapter apply throughout this section.

(b) Any person who actively directs or engages in an act of hazing which results in the injury of another person, shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance to the local emergency medical service provider or 911 service. Failure to seek assistance, in no serious bodily injury, is a Class B misdemeanor. However, if failure to seek assistance results in serious bodily injury the offense is a Level 6 felony.

(c) Section 2.5(f) and 2.5(g) of this chapter apply to this section.

(Reference is to HB 1526 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1544, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 15 through 17, begin a new paragraph and insert:

"(b) This subsection applies to Marion County. The amount derived from the calculation under section 2(b) of this chapter or, for calendar year 2019, calendar year 2020, and calendar year 2021, the calculation under section 2(c) of this chapter represents the combined maximum appropriation to all centers certified by the division to serve the county. Each center's allotment of the combined maximum appropriation for a calendar year to which this subsection applies is determined under STEP FOUR of the following formula:

STEP ONE: For each center certified by the division to serve the county, divide:

- (A) the county's population residing in the primary service area of the center; by
- (B) the total population of the county.

STEP TWO: For each center certified by the division to serve the county, divide:

- (A) the number of division of mental health and addiction enrolled consumers who reside in Marion County and are served by the center; by
- (B) the number of division of mental health and addiction enrolled consumers who reside in Marion County and are served by all centers that are certified by the division of mental health and addiction to serve the county.

If an enrolled consumer is served by more than one (1) center certified by the division to serve the county, the enrolled consumer may be counted more than once in the number of enrolled consumers determined under clause (B).

STEP THREE: For each center certified by the division to serve the county, add the following as applicable:

(A) For 2019:

- (i) forty percent (40%) of the STEP ONE result determined for the center; plus
- (ii) sixty percent (60%) of the STEP TWO result determined for the center.

(B) For 2020:

- (i) twenty-five percent (25%) of the STEP ONE result determined for the center; plus
- (ii) seventy-five percent (75%) of the STEP TWO result determined for the center.

(C) After 2020:

- (i) ten percent (10%) of the STEP ONE result determined for the center; plus
- (ii) ninety percent (90%) of the STEP TWO result determined for the center.

STEP FOUR: For each center certified by the division to serve the county, multiply:

- (A) the combined maximum appropriation to all centers certified by the division to serve the county for the calendar year; by
- (B) the STEP THREE result determined for the center."

Page 2, delete lines 1 through 13.

(Reference is to HB 1544 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1596, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "Property" and insert "(a) Except as provided in subsection (b), property".

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"(b) This section does not apply to any transfer of property tax proceeds to a school corporation or public school, including a charter school."

Page 2, line 16, after "for" insert "or renew a contract for".

Page 2, line 24, delete "an employer or" and insert "employers or prospective employers".

Page 2, line 25, delete "a prospective employer".

Page 2, line 27, delete "complete a degree or certificate".

Page 2, line 28, delete "program and".

Page 2, line 34, delete "shall" and insert "may".

(Reference is to HB 1596 as printed February 12, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 1.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1629, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-8, AS AMENDED BY P.L.171-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter for the following:

(1) To inspect a public record.

(2) This subdivision applies only to a school corporation and a charter school. To search for a record that is in an electronic format, if the search does not exceed five (5) hours.

~~(2) (3) To~~ **Subject to subdivision (2),** to search for, examine, or review a record to determine whether the record may be disclosed.

~~(3) (4)~~ To provide an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:

(A) subsection (f) or (j);

(B) section 6(c) of this chapter; or

(C) IC 36-2-7-10 or IC 36-2-7-10.1 concerning records of the county recorder.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater of:

(1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or

(2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of

enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, law enforcement recording, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form. However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

(1) Public agency program support.

(2) Nonprofit activities.

(3) Journalism.

(4) Academic research.

(l) This subsection does not apply to a state agency. A fee collected under subsection (g) for the copying of a law enforcement recording may be:

(1) retained by the public agency; and

(2) used without appropriation for one (1) or more of the following purposes:

(A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.

(B) For training concerning law enforcement recording.

(C) To defray the expenses of storing, producing, and copying law enforcement recordings.

Money from a fee described in this subsection does not revert to

the local general fund at the end of a fiscal year.

(m) This subsection applies to a school corporation and a charter school. For purposes of this subsection, "computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request. A school corporation or charter school may not charge a fee for the first five (5) hours required to search for a record that is in an electronic format. A school corporation or charter school may charge a search fee for any time spent searching for a record that is in an electronic format that exceeds two (2) hours. If the school corporation or charter school charges a search fee, the school corporation or charter school shall charge an hourly fee that does not exceed the lesser of:

- (1) the hourly rate of the person making the search; or**
- (2) twenty dollars (\$20) per hour.**

A school corporation or charter school charging an hourly fee under this subsection for searching for a record that is in an electronic format may charge only for time that the person making the search actually spends in searching for the record that is in an electronic format. A school corporation or charter school may not charge for computer processing time and may not establish a minimum fee for searching for a record that is in an electronic format. A school corporation or charter school shall make a good faith effort to complete a search for a record that is in an electronic format that is within a reasonable time in order to minimize the amount of a search fee. The fee must be prorated to reflect any search time of less than one (1) hour."

Delete pages 2 through 4.

Page 5, delete lines 1 through 21.

Page 7, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-32-4-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. After June 30, 2020, any Core 40 college preparation curriculum models adopted by the state board shall include the requirement that each graduating senior shall submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) unless:

- (1) a parent, or the student if the student is an adult or is emancipated, signs a waiver in writing refusing to complete the application under this section; or**
- (2) if a graduating senior is not able to fulfill the requirements set forth in this section due to extenuating circumstances, the student's principal waives the requirement for the graduating senior to submit an application under this section.**

SECTION 7. IC 20-33-8-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.**
- (2) If the student denies the charges, a summary of the evidence against the student.**
- (3) An opportunity for the student to explain the student's conduct.**

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as

reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.**
- (2) The action taken by the principal.**

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal, or the principal's designee, must ensure that the student receives notice of any assignments or school work due and teacher contact information if the student has questions regarding the assignments or school work. A student shall be allowed to make up missed tests or quizzes when the student returns to school."

Page 8, delete lines 1 through 40.

Page 9, line 12, delete "admit" and insert **"provide equal access to"**.

Page 9, line 13, after "nonpublic school" insert **"utilizing the same admittance practices that are currently in place"**.

Page 9, delete lines 25 through 42.

Page 11, delete lines 16 through 36, begin a new paragraph and insert:

"SECTION 12. IC 34-13-3.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) This section:

- (1) does not apply to a labor dispute; and**
- (2) may not be construed to conflict with the Constitution of the United States or any federal law.**

(b) If:

- (1) a public school offers to an individual or entity to resolve a dispute through mediation or another alternative dispute resolution process, and the individual or entity fails or refuses to participate in the mediation or other alternative dispute resolution process;**
- (2) the public school makes, in accordance with section 6 of this chapter, a written offer to the individual or entity to resolve the dispute;**
- (3) the individual or entity rejects the written offer described in subdivision (2); and**
- (4) the final judgment or relief obtained by the individual or entity in an action or administrative proceeding is not more favorable than the written offer described in subdivision (2);**

the court, administrative law judge, or hearing officer shall, upon request by the public school, award to the public school twenty-five percent (25%) of the attorney's fees, court costs, and other reasonable expenses of litigation incurred by the public school after the written offer described in subdivision (2) was made.

SECTION 13. IC 34-13-3.5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section:

- (1) does not apply to a labor dispute; and**
- (2) may not be construed to conflict with the Constitution of the United States or any federal law.**

(b) If an individual or entity initiates an administrative proceeding against a public school that results in the administrative proceeding being heard by an administrative law judge or a hearing officer, and the individual or entity is not determined to be the prevailing party in the proceeding, the fees due to the administrative law judge or hearing officer shall be split equally between the parties to the administrative proceeding."

Renumber all SECTIONS consecutively.

(Reference is to HB 1629 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

Behning, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1630, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-19-3-4, AS AMENDED BY P.L.65-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) A battery offense included in IC 35-42-2.
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department shall, with approval of the state

board, assign each school within a school corporation an identification number. When approving the assignment of a school identification number, the state board may consider a school's history of student growth and performance of a school if a school corporation requests a new identification number for that particular school because:

- (1) the school is reopening;
- (2) the school is reconfigured; or
- (3) the school corporation redistributes students.

(~~(d)~~ (e) The department shall develop guidelines necessary to implement this section.

SECTION 2. IC 20-24-3-17, AS AMENDED BY P.L.35-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The department shall, **with approval of the state board**, assign a school corporation identification number for each organizer granted a charter.

(b) If an organizer assigned a school corporation identification number under subsection (a) consists of more than one (1) charter school, the department, **with approval of the state board**, shall assign each charter school a separate school identification number.

(c) If an organizer assigned a school corporation identification number under subsection (b) consists of more than one (1) campus, the department shall assign each campus a separate school identification number."

Page 4, after line 10, begin a new paragraph and insert:

"SECTION 5. IC 20-31-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. After June 30, 2019, the state board may not use student growth as the exclusive means used in determining a school's final accountability category.**

SECTION 6. IC 20-31-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. If requested by a charter school, the department may place the charter school in a "null" or "no letter grade" category for purposes of this chapter for the first three (3) consecutive years of operation of the charter school. However, the department shall post the charter school's proficiency and growth scores on the department's Internet web site for each year the charter school receives a "null" or "no letter grade" under this section.**

SECTION 7. IC 20-32-4-1.5, AS AMENDED BY P.L.192-2018, SECTION 25, AND AS AMENDED BY P.L.174-2018, SECTION 4, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) ~~This section applies after June 30, 2018. This subsection expires July 1, 2022. Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, each student is required to meet:~~

- (1) the academic standards tested in the graduation examination;
- (2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and
- (3) any additional requirements established by the governing body;

to be eligible to graduate.

(b) Except as provided in subsection (f) and sections 4, 4.1, 5, 6, 7, 8, 9, and 10 of this chapter, *beginning with the class of students who expect to graduate during the 2022-2023 school year*, each student shall:

- (1) demonstrate college or career readiness through a pathway established by the state board, in consultation with the department of workforce development and the commission for higher education;
- (2) meet the Core 40 course and credit requirements

adopted by the state board under IC 20-30-10; and

(3) meet any additional requirements established by the governing body; to be eligible to graduate.

(c) The state board shall establish graduation pathway requirements under subsection (b)(1) in consultation with the department of workforce development and the commission for higher education. A graduation pathway requirement may include the following *options postsecondary readiness competencies* approved by the state board:

~~(1) End of course assessments measuring academic standards in subjects determined by the state board.~~

~~(2) (1) International baccalaureate exams.~~

~~(3) (2) Nationally recognized college entrance assessments.~~

~~(4) (3) Advanced placement exams.~~

~~(5) (4) Assessments necessary to receive college credit for dual credit courses.~~

~~(6) (5) Industry recognized certificates.~~

~~(7) (6) The Armed Services Vocational Aptitude Battery.~~

(7) Cambridge international exams.

~~(8) (7) Any other *pathway competency* approved by the state board.~~

(d) If the state board establishes a nationally recognized college entrance exam as a graduation pathway requirement, the nationally recognized college entrance exam must be offered to a student at the school in which the student is enrolled and during the normal school day.

(e) When an apprenticeship is established as a graduation pathway requirement, the state board shall establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program administered by the United States Department of Labor.

(f) Notwithstanding subsection (a), a school corporation, charter school, or accredited nonpublic school may voluntarily elect to use graduation pathways described in subsection (b) in lieu of the graduation examination requirements specified in subsection (a) prior to July 1, 2022.

(g) The state board, in consultation with the department of workforce development and the commission for higher education, shall approve college and career pathways relating to career and technical education, including sequences of courses leading to student concentrators.

SECTION 8. IC 20-32-5.1-17, AS ADDED BY P.L.242-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, **formative, interim, or similar** assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (c). The benchmark, **formative, interim, or similar** assessments must be ~~aligned~~ **show alignment, verified by a third party**, to Indiana's academic standards. **Approved assessments must also provide predictive study results for student performance on the statewide assessment under IC 20-32-5.1-7, not later than two (2) years after the summative assessment has been first administered.**

(b) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, **formative, interim, or similar** assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which

the assessment is administered.

(c) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, **formative, interim, or similar** assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

SECTION 9. [EFFECTIVE JULY 1, 2019] (a) **511 IAC 6.2-10-10 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.**

(b) This SECTION expires January 1, 2020.

SECTION 10. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1630 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

Behning, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1025, 1216, 1235, 1237, 1296, 1299, 1323, 1325, 1330, 1331, 1341, 1345, 1347, 1358, 1367, 1374, 1402, 1404, 1405, 1411, 1488 and 1631.

House Bill 1150

Representative Steuerwald called down House Bill 1150 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1150-3)

Mr. Speaker: I move that House Bill 1150 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-2-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 23. Restitution for Wrongfully Incarcerated Persons

Sec. 1. (a) This chapter does not apply to a person who, after June 30, 2019, has filed, in any court, a claim or action for restitution or damages concerning a conviction, or a conviction's underlying criminal investigation, against the state of Indiana or a political subdivision and any applicable state agency, official, member, officer, agent, or employee, or the successor to any of those individuals, as applicable.

(b) Subject to subsection (a), this chapter applies to a person:

(1) sentenced to the department of correction as the result of a criminal conviction;

(2) whose conviction is vacated, reversed, or set aside;

(3) who is:

(A) not retried for the crime for which the person was initially convicted;

(B) retried and not convicted of the crime for which the person was initially convicted; or

(C) pardoned by the governor on the basis of innocence of the crime for which the person was originally convicted;

- (4) who did not:
 - (A) commit any charged criminal act; or
 - (B) commit any act, deed, or omission in connection with a charge that constitutes an offense against the state or the United States; and
- (5) who has not:
 - (A) previously applied for restitution under this chapter; or
 - (B) received compensation in any form from the state or a political subdivision for claims related to a conviction or any associated criminal investigation."

Page 2, delete lines 1 through 4.

Page 2, delete lines 15 through 18, begin a new paragraph and insert:

"Sec. 3. A person to whom this chapter applies is entitled to compensation under this chapter only if the person forever releases, discharges, and waives any and all claims against the following persons or entities, as applicable:

- (1) The state of Indiana.
- (2) A political subdivision.
- (3) Any applicable state agency.
- (4) Any current or former:
 - (A) official;
 - (B) member;
 - (C) officer;
 - (D) agent; or
 - (E) employee;
- of an entity described in subdivisions (1) through (3).
- (5) The successor to any person described in subdivision (4)."

Page 3, line 4, delete "office of management and budget." and insert "criminal justice institute."

Page 3, delete lines 7 through 30, begin a new paragraph and insert:

"Sec. 7. (a) A person to whom this chapter applies may seek compensation under this chapter by applying to the criminal justice institute on a form and in a manner to be determined by the criminal justice institute. An applicant shall submit additional evidence to the criminal justice institute upon request by the criminal justice institute.

(b) An applicant must demonstrate the following in any application submitted to the criminal justice institute:

- (1) The applicant's eligibility for compensation under this chapter as described in section 1 of this chapter.
- (2) The applicant's compliance with any rules promulgated or required by the criminal justice institute pursuant to section 8 of this chapter.

(c) Upon receipt of:

- (1) a completed application; and
- (2) any additional evidence required by the criminal justice institute;

the criminal justice institute shall investigate and evaluate an applicant's claim.

(d) If, at the conclusion of an investigation performed pursuant to subsection (c), the criminal justice institute determines that the applicant qualifies for compensation under this chapter, the criminal justice institute shall pay, from the exoneration fund, any compensation due to the applicant.

(e) Except as provided in subsection (f), the criminal justice institute shall not pay any compensation to an applicant under this chapter if, prior to July 1, 2019, the applicant has filed, in any court, a claim or action for restitution or damages concerning a conviction, or a conviction's underlying criminal investigation, against the state of Indiana or a political subdivision and any applicable state agency, official, member, officer, agent, or employee, or the successor to any of those individuals, as applicable.

(f) Subsection (e) does not apply to an applicant who dismisses all claims described under subsection (e) not later than thirty (30) days after the criminal justice institute issues a determination concerning the applicant's eligibility for compensation under this chapter.

(g) If:

- (1) an applicant dismisses all claims described under subsection (e) not later than thirty (30) days after the criminal justice institute issues a determination concerning an applicant's eligibility for compensation under this chapter; and
- (2) the applicant is eligible for compensation under this chapter;

the criminal justice institute shall pay, in equal sums distributed over five (5) years, any compensation due to the applicant.

Sec. 8. (a) The criminal justice institute may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

(b) An emergency rule adopted under this section expires on the earlier of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

(c) The criminal justice institute may readopt an emergency rule that has expired.

Sec. 9. (a) If, at the conclusion of an investigation performed pursuant to section 7(c) of this chapter, the criminal justice institute determines that the applicant does not qualify for compensation under this chapter, the applicant may, not later than thirty (30) days after the date of service for the criminal justice institute's final order, appeal the determination contained in the criminal justice institute's final order:

- (1) to a court with competent jurisdiction; and
- (2) in a manner consistent with ordinary civil procedure.

(b) An applicant pursuing an appeal under subsection (a) must:

- (1) notify the criminal justice institute of the applicant's intent to appeal in writing; and
- (2) request that the criminal justice institute prepare a record of the criminal justice institute's proceedings.

(c) The record described in subsection (b)(2) shall consist of the following documents:

- (1) Transcripts of all oral testimony.
- (2) All exhibits admitted into evidence.
- (3) All notices, pleadings, motions, requests, memoranda, and related documentation filed with the criminal justice institute.

(d) The cost of producing the record described in subsections (b) and (c) shall be paid by the applicant. The criminal justice institute may require the deposit of a reasonable security for the purpose of ensuring the payment of any expense related to the production of the record described in subsections (b) and (c).

(e) A person may file an appeal under this chapter only after exhausting all administrative remedies available to the person by the agency whose action or determination is being appealed."

Renumber all SECTIONS consecutively.

(Reference is to HB 1150 as printed February 5, 2019.)

STEUERWALD

Motion prevailed. The bill was ordered engrossed.

House Bill 1183

Representative Lehman called down House Bill 1183 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1183-3)

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 14, line 22, delete "The" and insert **"(a) Except as provided in subsection (b) and (c), the"**.

Page 14, between lines 33 and 34, begin a new paragraph and insert:

"(b) A commercial private property owner may have a motor vehicle towed from the owner's commercial private property without first displaying signage concerning the tow-away zone if the motor vehicle has been parked in or on the owner's commercial private property for at least twenty-four (24) hours.

(c) A unit (as defined in IC 36-1-2-23) may adopt an ordinance that provides for different requirements than those provided in this section."

(Reference is to HB 1183 as printed February 15, 2019.)

LINDAUER

Motion prevailed.

HOUSE MOTION
(Amendment 1183-1)

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 2, line 42, strike "national data".

Page 2, line 42, after "data" insert **"the National Motor Vehicle Title Information System or an equivalent and commonly available data base,**

Page 3, line 1, strike "bases, including a data base of vehicle identification numbers,".

Page 8, line 41, delete "or".

Page 8, line 42, delete "company." and insert **"company; or (D) a customer under a consensual towing agreement."**

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 4. "Consensual towing agreement" means an agreement between a towing company and a person or business to perform towing services at the request of the owner, operator, or person having legal custody of the vehicle that is agreed upon prior to the vehicle being towed."

Page 9, line 23, delete "4." and insert "5."

Page 9, line 31, delete "5." and insert "6."

Page 9, line 33, delete "6." and insert "7."

Page 9, line 36, delete "7." and insert "8."

Page 9, line 38, delete "8." and insert "9."

Page 10, line 5, delete "9." and insert "10."

Page 10, line 10, delete "10." and insert "11."

Page 10, line 12, delete "11." and insert "12."

Page 10, line 19, delete "12." and insert "13."

Page 10, line 23, delete "13." and insert "14."

Page 10, line 31, delete "14." and insert "15."

Page 10, line 34, delete "15." and insert "16."

Page 10, line 36, delete "16." and insert "17."

Page 10, line 41, delete "acting:" and insert **"acting on behalf of a towing company when appropriate in the context."**

Page 10, delete line 42.

Page 11, delete line 1.

Page 11, delete lines 2 through 9.

Page 14, line 15, after "4." insert **"Commercial"**.

Page 14, line 42, delete "or the private property".

Page 15, line 1, delete "owner".

Page 15, line 17, delete "or a private".

Page 15, line 18, delete "property".

Page 15, between lines 20 and 21, begin a new paragraph and insert:

"Sec. 6. Signage is not required for tows performed under

emergency situations under IC 9-22-1-16(b)."

Page 15, line 21, delete "6." and insert "7."

Page 15, line 29, delete "7." and insert "8."

Page 15, delete lines 32 through 42.

Page 16, delete lines 1 through 38.

Page 16, line 39, delete "2." and insert "9."

Page 16, line 41, delete "twenty-four (24)". and insert **"one (1) business day after:**

(1) the tow is completed; or

(2) the towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery."

Page 16, delete line 42.

Page 17, delete line 1.

Page 17, between lines 1 and 2, begin a new paragraph and insert:

(b) The itemized invoice required by this section must contain the following information:"

Page 17, line 22, delete "(b)" and insert "(c)".

Page 17, line 23, delete "(a)(6), (a)(7), or (a)(8)". and insert **"(b)(6), (b)(7), or (b)(8)".**

Page 17, line 27, delete "(c)" and insert "(d)".

Page 19, line 27, delete "Certificates" and insert **"Registration"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as printed February 15, 2019.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS
ON THIRD READING

Engrossed House Bill 1075

Representative Engleman called down Engrossed House Bill 1075 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Houchin.

Engrossed House Bill 1125

Representative Ellington called down Engrossed House Bill 1125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Koch and Buck.

Engrossed House Bill 1165

Representative Bauer called down Engrossed House Bill 1165 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 97, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Leising and Lanane.

Engrossed House Bill 1223

Representative Steuerwald called down Engrossed House Bill 1223 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Head, Koch, Freeman and Taylor.

Engrossed House Bill 1224

Representative Goodrich called down Engrossed House Bill 1224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1278

Representative Wolkins called down Engrossed House Bill 1278 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Messmer.

Engrossed House Bill 1350

Representative Clere called down Engrossed House Bill 1350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Houchin, Charbonneau, Breaux and Ruckelshaus.

Engrossed House Bill 1354

Representative Porter called down Engrossed House Bill 1354 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Breaux, Becker and Melton.

Engrossed House Bill 1369

Representative Eberhart called down Engrossed House Bill 1369 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 194: yeas 78, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Becker.

Representative Candelaria Reardon, who had been present, is now excused.

Engrossed House Bill 1406

Representative Soliday called down Engrossed House Bill 1406 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau, Glick and Niezgodski.

Representative Candelaria Reardon, who had been excused, is now present.

Engrossed House Bill 1432

Representative Macer called down Engrossed House Bill 1432 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Young and Niezgodski.

Engrossed House Bill 1492

Representative Baird called down Engrossed House Bill 1492 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agricultural and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Leising.

Engrossed House Bill 1500

Representative Summers called down Engrossed House Bill 1500 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 198: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, J.D. Ford and Taylor.

Engrossed House Bill 1517

Representative Smaltz called down Engrossed House Bill 1517 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 199: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

Engrossed House Bill 1594

Representative Huston called down Engrossed House Bill 1594 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 200: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Mishler, Niezgodski, Tallian and Holdman.

Engrossed House Bill 1613

Representative Hatfield called down Engrossed House Bill 1613 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 201: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Tomes and Messmer.

Engrossed House Bill 1628

Representative Behning called down Engrossed House Bill 1628 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 202: yeas 84, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman, Raatz and Melton.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:10 p.m. with the Speaker in the Chair.

HOUSE BILLS ON SECOND READING**House Bill 1018**

Representative Soliday called down House Bill 1018 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1018-2)

Mr. Speaker: I move that House Bill 1018 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(b) This section may not be construed to allow for the creation of more than one (1) county board in a county if the county executive takes action under this section.

(c) This section does not authorize the county executive to repeal or amend an ordinance adopted by the county fiscal body under section 3 of this chapter."

Page 2, line 4, delete "(b) After" and insert **"(d) If a county fiscal body has not adopted an ordinance under section 3 of this chapter before"**.

Page 2, line 8, delete "(c)" and insert **"(e)"**.

Page 2, line 9, delete "(b)" and insert **"(d)"**.

Page 2, line 13, delete "(d)" and insert **"(f)"**.

Page 2, line 17, delete "chapter, as in effect on July 1, 2018." and insert **"chapter."**

Page 2, delete lines 18 through 42.

Delete page 3.

Page 4, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 3. IC 36-10-3-4, AS AMENDED BY P.L.72-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This subsection applies only in a third class city. A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. In addition, the creating ordinance may provide for one (1) or two (2) ~~ex officio~~ additional members, those being:

(1) either:

(A) a member of the governing body of the school corporation, *serving ex officio*, selected by the governing body of the school corporation; or

(B) an individual who resides in the school corporation, selected by the governing body of the school corporation;

(2) a member of the governing body of the library district, *serving ex officio*, selected by that body; or

(3) both subdivisions (1) and (2).

(b) This subsection applies in a county containing a consolidated city and in a second class city. A city board consists of four (4) members to be appointed by the city executive. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members may be affiliated with the same political party. In addition, the creating ordinance may provide for one (1) or two (2) ~~ex officio~~ additional members, those being:

(1) either:

(A) a member of the governing body of the school corporation, *serving ex officio*, selected by the governing body of the school corporation; or

(B) an individual who resides in the school corporation, selected by the governing body of the school

corporation;

(2) a member of the governing body of the library district, **serving ex officio**, selected by that body; or

(3) individuals described in both subdivisions (1) and (2).

(c) A town board consists of four (4) members to be appointed by the town legislative body. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Except as provided in section 4.1 of this chapter, not more than two (2) members may be affiliated with the same political party. Members of the board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ~~ex officio~~ **additional** members, those being:

(1) a member:

(A) of the governing body of the school corporation, **serving ex officio**, selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district, **serving ex officio**, selected by that body; or

(3) both subdivisions (1) and (2).

(d) A county board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

(e) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority. **All members serving on a county, city, or town board have the same rights, including the right to vote. A vacancy in the seat of a member shall be filled by the appointing authority.**

(f) ~~Neither~~ A municipal executive, ~~nor~~ a member of a county fiscal body, **a member of the county executive, or a member of the municipal fiscal body may not** serve on a board.

(g) The creating ordinance in any county may provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection (d).

(h) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections (d) and (g)."

Page 4, line 28, delete "under section 3(c) of this" and insert "; or".

Page 4, delete line 29.

Page 4, delete lines 37 through 42, begin a new paragraph and insert:

"(c) The creating ordinance may provide for one (1) other elected county official to appoint one (1) member to the county board that is in addition to the members provided for under subsection (b). However, the elected county official may not appoint a member of the county fiscal body or the county executive to serve on the board as provided in subsection (g)."

Page 5, delete lines 1 through 4, begin a new paragraph and insert:

"(d) The creating ordinance may also provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member selected by the board of supervisors of a soil and water conservation district; to serve as an ex officio member of the county board in addition to the members provided for under subsections (b) and (c)."

Page 5, line 5, delete "(d)" and insert "(e)".

Page 5, line 5, delete "subsection (c)" and insert "subsections (b) and (c)".

Page 5, line 12, delete "appointed" and insert "who serves".

Page 5, line 12, delete "(c)(1)" and insert "(d)(1)".

Page 5, line 13, delete "(c)(4)" and insert "(d)(3)".

Page 5, line 14, delete "(e)" and insert "(f)".

Page 5, line 20, delete "(f)" and insert "(g)".

Page 5, delete lines 23 through 42.

Page 6, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 5. IC 36-10-3-5, AS AMENDED BY P.L.127-2017, SECTION 376, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Initial appointments to a municipal board are as follows:

(1) One (1) member for a term of one (1) year.

(2) One (1) member for a term of two (2) years.

(3) One (1) member for a term of three (3) years.

(4) One (1) member for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed.

(b) Initial appointments to a county board are as follows:

(1) **This subdivision applies in the case of a county that does not use the procedure described in section 3.1 of this chapter.** The circuit court judge's appointments are for one (1) and three (3) year terms, respectively.

(2) **This subdivision applies in the case of a county that does not use the procedure described in section 3.1 of this chapter.** The county executive's appointment is for a two (2) year term.

(3) **This subdivision applies in the case of a county that uses the procedure described in section 3.1 of this chapter.** The county executive's appointments are for two (2) and four (4) year terms, respectively.

(4) The county fiscal body's appointments are for two (2) and four (4) year terms, respectively.

(5) **This subdivision applies if the county takes the action described in section 4.2(c) of this chapter.** The other elected county official's appointment is for a one (1) year term.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until the member's successor is appointed.

(c) An appointing authority shall make initial appointments within ninety (90) days after the creation of the department.

(d) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(e) In making initial appointments under subsections (a) or (b), an appointing authority, in order to provide continuity of experience and programs, shall give special consideration to the

appointment of members from previous park or recreation boards.

(f) If a vacancy on the board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term."

Renumber all SECTIONS consecutively.

(Reference is to HB 1018 as printed February 12, 2019.)

SOLIDAY

Motion prevailed.

HOUSE MOTION (Amendment 1018-1)

Mr. Speaker: I move that House Bill 1018 be amended to read as follows:

Page 4, between lines 36 and 37, begin a new line block indented and insert:

"(3) The judge of the circuit court shall appoint one (1) member. The ordinance described in subsection (a) must provide the circuit court judge with sixty (60) days from the date the ordinance is adopted to make the appointment described in this subdivision. If any circuit court judge does not appoint a member to the board within the time specified in this subdivision, the circuit court judge waives:

(A) the circuit court judge's appointment to the board; and

(B) any of the circuit court judge's successor's appointments to the board.

If a circuit court judge waives the appointment under this subdivision, the board consists only of the four (4) members appointed under subdivisions (1) and (2)."

Page 5, line 4, after "(f)." insert "If any circuit court judge makes an appointment under subsection (b)(3), the circuit court judge and any of the circuit court judge's successors may not serve on a board as provided in subsection (g)."

Page 5, between lines 22 and 23, begin a new paragraph and insert:

"(g) If any circuit court judge makes an appointment under subsection (b)(3), the circuit court judge and any of the circuit court judge's successors may not serve on a board."

Page 5, between lines 41 and 42, begin a new line block indented and insert:

"(3) If any circuit court judge makes an appointment under section 4.2(b)(3) of this chapter, the circuit judge's appointment is for a two (2) year term."

(Reference is to HB 1018 as printed February 12, 2019.)

PRYOR

Motion failed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1055, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete amendment AM105501 adopted by the house judiciary committee on January 7, 2019.

Delete amendment AM105502 adopted by the house judiciary committee on January 7, 2019.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-28-3-11 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 11. (a) In an action to foreclose a lien:

(1) the defendant or owner of the property subject to the lien; or

(2) any person having an interest in the property subject to the lien, including a mortgagee or other lienholder; may file in the action a written undertaking with surety to be

approved by the court.

(b) An undertaking filed under this section must provide that the person filing it will pay any judgment that may be recovered in the action to foreclose the lien, including costs and attorney's fees allowed by the court; if the claim on which the judgment is founded is found by the court to have been a lien on the property at the time the action was filed:

(c) If an undertaking is filed and approved by the court:

(1) the court shall enter an order releasing the property from the lien; and

(2) the property shall be discharged from the lien.

SECTION 2. IC 32-28-3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.3. (a) This section applies to a lien described in this chapter.

(b) As used in this section, "lien claimant" means a person that has filed a lien or notice of intent to file a lien.

(c) If a person has filed a lien or notice of intent to file a lien, any other person may file a bond to indemnify against the lien. The indemnification bond must be filed in duplicate in the recorder's office of the county in which the lien or notice of intent to file a lien was filed.

(d) An indemnification bond filed under subsection (c) must include the following:

(1) A cross reference to the original lien filed by the lien claimant.

(2) The last known address of the lien claimant.

(e) If a contractor or subcontractor has provided a payment bond for the benefit of a potential lien claimant, two (2) copies of the payment bond may be filed in the recorder's office of the county in which the lien or notice of intent to file a lien was filed in place of the indemnification bond described in subsection (c).

(f) The indemnification or payment bond must:

(1) be at least equal to one hundred fifty percent (150%) of the lien;

(2) be issued by a surety company authorized to do business in Indiana and rated at least "A-" by at least one (1) nationally recognized investment rating service; and

(3) provide for the satisfaction of any judgment that may otherwise be recovered in an action to foreclose the lien entered in favor of the lien claimant if the claim on which the judgment is founded is found to have been a lien on property in accordance with this chapter.

(g) A bond filed or deposited under subsection (c) or (e) discharges the liability of a person served by a lien claimant under section 9 of this chapter.

(h) The recorder shall record an indemnification or payment bond filed under this section in the same manner as the release of a lien is recorded and return the original to the person filing the bond. The recorder shall charge the filing fee prescribed by IC 36-2-7-10.

(i) The recorder shall:

(1) mail, first class, one (1) duplicate or copy of the indemnification or payment bond to each lien claimant not later than three (3) business days after recordation;

(2) post records as to the date of the mailing; and

(3) collect a fee of two dollars (\$2) from the person filing the indemnification or payment bond for each copy of the indemnification or payment bond that is mailed.

The duplicate or copy of the indemnification or payment bond shall be addressed to the latest address of each lien claimant, as identified in records maintained by the recorder.

(j) The filing of an indemnification or payment bond under this section operates as a complete discharge of the lien.

(k) The lien claimant may make the bond obligor a party to an action to enforce the lien claimant's claim.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the appropriate interim study committee during the 2019 legislative interim the topic of judgment liens. If the topic of judgment liens is assigned to an interim study committee during the 2019 legislative interim, the appropriate study committee shall consider the following issues and topics:

(1) The feasibility of developing, preparing, and implementing, before January 1, 2021, a plan, protocol, or Internet based system that:

(A) allows the:

(i) judicial technology oversight committee; or
(ii) office of judicial administration;
and a clerk of court to electronically send, receive, or exchange information concerning judgments and pending cases;

(B) allows a member of the public to search for information concerning judgments and pending cases;

(C) provides the judgment docket information described under IC 33-32-3-2 to a person making use of the plan, protocol, or Internet based system described in this subdivision; and

(D) allows a person to search for information concerning a judgment or pending case:

(i) by the name of any party related to the case;
(ii) through use of a partial name match involving the party's first name, last name, or a complex name;
(iii) through use of a partial name match involving an entity's name or an entity's complex name; and
(iv) through exclusive use of the plan, protocol, or Internet based system described in this subdivision.

(2) The feasibility of providing, before January 1, 2021, all necessary training and education concerning the availability of the plan, protocol, or Internet based system described in subdivision (1) to the clerks of court.

(3) Any other issue or topic relevant to the development and implementation of the plan, protocol, or Internet based system described in subdivision (1).

(c) If the topics described in subsection (b) are assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6, not later than November 1, 2019.

(d) This SECTION expires December 31, 2019.

SECTION 4. An emergency is declared for this act.

(Reference is to HB 1055 as introduced and as amended by the house judiciary committee on January 7, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete AM 113802 adopted by the house judiciary committee

on February 4, 2019.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 32-25-8.5-13, AS ADDED BY P.L.141-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) The parties are considered to be at an impasse if:

(1) the respondent does not request a meeting under section 11 of this chapter;

(2) either party fails to attend a meeting agreed upon under section 12 of this chapter; or

(3) the parties are unable to settle the claim at a meeting held under section 12 of this chapter.

(b) Either party may, not later than ten (10) days after an impasse is reached, request in writing that the other party submit the claim to mediation ~~or binding arbitration~~: **and the parties shall submit to mediation.**

(c) ~~The party making the request under subsection (b) is responsible for the costs of the mediator or arbitrator.~~

SECTION 2. IC 32-25-8.5-14, AS ADDED BY P.L.141-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) If an impasse is reached, ~~and:~~

(1) neither party requests mediation or arbitration; or

(2) ~~mediation or arbitration does not result in a settlement of the claim;~~

~~the claimant a party may, begin legal proceedings: not later than ten (10) days after the impasse is reached, submit the matter to mediation by an impartial mediator to be selected by the American Mediation Association from a current listing of mediators from the National Academy of Distinguished Neutrals.~~

(b) The mediation shall be conducted in accordance with the rules and procedures of the American Mediation Association.

(c) The cost of the mediator and any other direct costs of the mediation shall be equally divided by the parties engaged in the mediation.

(d) Nothing in this section shall be construed to prohibit good faith settlements voluntarily entered into by the parties.

(e) If neither party requests mediation, or if mediation is unsuccessful, the claimant may begin legal proceedings.

SECTION 3. IC 32-25-8.5-17, AS ADDED BY P.L.141-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. The board, on behalf of the association of co-owners, and without the consent of the co-owners, may do any of the following:

(1) Negotiate settlements of claims, **participate in mediation hearings**, or **initiate** legal proceedings under this chapter.

(2) Execute settlement agreements, waivers, releases of claims, or any other document resulting from application of this chapter."

Page 2, delete lines 1 through 19.

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. IC 32-25.5-5-13, AS ADDED BY P.L.141-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) If an impasse is reached, ~~and:~~

(1) neither party requests mediation or arbitration; or

(2) ~~mediation or arbitration does not result in a settlement of the claim;~~

~~the claimant may begin legal proceedings: a party may, not later than ten (10) days after the impasse is reached, submit the matter to mediation by an impartial mediator to be selected by the American Mediation Association from a current listing of mediators from the National Academy of Distinguished Neutrals.~~

(b) The mediation shall be conducted in accordance with the rules and procedures of the American Mediation Association.

(c) The cost of the mediator and any other direct costs of the mediation shall be equally divided by the parties engaged in the mediation.

(d) Nothing in this section shall be construed to prohibit good faith settlements voluntarily entered into by the parties.

(e) If neither party requests mediation, or if mediation is unsuccessful, the claimant may begin legal proceedings."

Page 3, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 6. IC 32-25.5-5-14, AS ADDED BY P.L.141-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) This section applies if a claim is settled through negotiation or mediation. ~~or arbitration.~~

(b) The settlement of the claim must be documented in a written agreement signed by each of the parties.

(c) If a party fails to abide by the settlement agreement signed under subsection (b), the other party may begin legal proceedings without again complying with this chapter.

(d) If a party who begins legal proceedings under subsection (c) prevails in those legal proceedings, the party is entitled to recover from the other party:

- (1) court costs;
- (2) attorney's fees; and
- (3) all other reasonable costs incurred in enforcing the settlement agreement."

Page 3, line 41, delete "claims" and insert "claims,".

Page 3, line 41, strike "or".

Page 3, line 42, delete " arbitration hearings" and insert "**mediation hearings, or initiate legal proceedings**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1138 as introduced and as amended by the house judiciary committee on February 4, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Torr, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "in which a fetus" and insert "**with the purpose of killing a living fetus in which the living fetus**".

Page 1, line 17, delete "because of" and insert "**to prevent death or**".

Page 3, line 31, delete "a physician reasonably believes" and insert "**reasonable medical judgment dictates**".

Page 3, line 42, strike "perforation." and insert "**laceration**".

Page 4, line 2, delete "Heavy bleeding from the vagina that soaks" and insert "**Vaginal bleeding that qualifies as a Grade 2 or higher adverse event according to the Common Terminology Criteria for Adverse Events (CTCAE)**".

Page 4, delete lines 3 through 4.

Page 4, delete line 15.

Page 4, line 16, reset in roman "(14)".

Page 4, line 16, delete "(15)".

Page 4, line 17, reset in roman "(15)".

Page 4, line 17, delete "(16)".

Page 4, line 17, strike "Embolicism." and insert "**Amniotic fluid embolism**".

Page 4, line 18, reset in roman "(16)".

Page 4, line 18, delete "(17)".

Page 4, line 19, reset in roman "(17)".

Page 4, line 19, delete "(18)".

Page 4, line 20, reset in roman "(18)".

Page 4, line 20, delete "(19)".

Page 4, line 21, reset in roman "(19)".

Page 4, line 21, delete "(20)".

Page 4, line 22, reset in roman "(20)".

Page 4, line 22, delete "(21)".

Page 4, line 24, reset in roman "(21)".

Page 4, line 24, delete "(22)".

Page 4, line 28, strike "(23)" and insert "(22)".

Page 4, line 30, strike "(24)" and insert "(23)".

Page 4, line 32, strike "(25)" and insert "(24)".

Page 4, line 33, strike "(26)" and insert "(25)".

Page 5, line 35, strike "2019," and insert "**2020**".

Page 5, line 38, strike "2019." and insert "**2020**".

Page 6, line 8, strike "2019." and insert "**2020**".

Page 6, line 11, strike "2019," and insert "**2020**".

Page 7, line 16, delete "attorney." and insert "**attorney in the jurisdiction where:**

(A) the dismemberment abortion was performed; or

(B) the female upon whom a dismemberment abortion was performed resides."

Page 8, line 16, delete "court or administrative body shall rule whether the".

Page 8, line 17, delete "anonymity" and insert "**identity**".

Page 8, line 19, delete "disclosure if she does not give" and insert "**disclosure**".

Page 8, delete lines 20 through 31.

Page 8, line 32, delete "(d) In the absence of written consent of the woman upon whom" and insert "**(b) Anyone**".

Page 8, delete line 33.

Page 8, line 34, delete "to have been performed, anyone".

Page 8, line 37, delete "(e)" and insert "**(c)**".

(Reference is to HB 1211 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

Smaltz, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1591, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 9 and 10, begin a new line block indented and insert:

"(30) "Unit" means the estate recovery unit of the office of Medicaid policy and planning established under IC 12-8-6.5-1."

Page 4, line 10, strike "(30)" and insert "**(31)**".

Page 4, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 3. IC 29-1-7-15.1, AS AMENDED BY P.L.163-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15.1. (a) When it has been determined that a decedent died intestate and letters of administration have been issued upon the decedent's estate, no will shall be probated unless it is presented for probate:

(1) before the court decrees final distribution of the estate; or

(2) in an unsupervised estate, before a closing statement has been filed.

(b) No real estate located in Indiana of which any person may die seized shall be sold by the executor or administrator of the deceased person's estate to pay any debt or obligation of the deceased person, which is not a lien of record in the county in which the real estate is located, or to pay any costs of administration of any decedent's estate, unless:

(1) a petition for the probate of a will and for the issuance

of letters testamentary;

(2) a petition for the appointment of an administrator with the will annexed; or

(3) a petition for the appointment of an administrator; is filed in court under ~~IC 29-1-7-5~~ **section 5 of this chapter** not later than five (5) months after the decedent's death and the clerk issues letters testamentary or letters of administration not later than seven (7) months after the decedent's death.

(c) The limitation described in subsection (b) on the sale of real estate does not apply if:

(1) a petition is filed in court under ~~IC 29-1-7-5~~ **section 5 of this chapter** not later than five (5) months after the decedent's death and if the petitioner has satisfied the requirements of:

(A) this article;

(B) the Indiana Rules of Trial Procedure; and

(C) the local rules of the court; and

(2) the failure of the clerk to issue letters testamentary or letters of administration not later than seven (7) months after the decedent's death is not the result of the petitioner's failure to comply with the requirements of:

(A) this article;

(B) the Indiana Rules of Trial Procedure; or

(C) the local rules of the court.

(d) The court shall order the limitation described in subsection (b) inapplicable to a claimant's claim concerning the sale of real estate if the court finds that the following conditions apply:

(1) A petition was filed in court under section 5 of this chapter not later than five (5) months after the decedent's death.

(2) More than thirty (30) days have elapsed since the petition was filed.

(3) The clerk has not issued letters testamentary or letters of administration.

(4) The claimant filed a claim in the estate not later than seven (7) months after the decedent's death.

(5) The petitioner has not satisfied the provisions of subsection (c).

(6) The claimant has not directly or indirectly caused or contributed to a delay in issuing letters testamentary or letters of administration through coordination or collaboration with the petitioner that filed the petition under section 5 of this chapter.

(7) Not later than seven (7) months after the decedent's death, the claimant files a motion requesting a show cause hearing concerning any delay related to the issuance of the letters testamentary or letters of administration.

(f) (e) The title of any real estate or interest therein purchased in good faith and for a valuable consideration from the heirs of any person who died seized of the real estate shall not be affected or impaired by any devise made by the person of the real estate so purchased, unless:

(1) the will containing the devise has been probated and recorded in the office of the clerk of the court having jurisdiction within five (5) months after the death of the testator; or

(2) an action to contest the will's validity is commenced within the time provided by law and, as a result, the will is ultimately probated.

(f) (f) Except as provided in subsection **(f); (g)**, the will of the decedent shall not be admitted to probate unless the will is presented for probate before the latest of the following dates:

(1) Three (3) years after the individual's death.

(2) Sixty (60) days after the entry of an order denying the probate of a will of the decedent previously offered for probate and objected to under section 16 of this chapter.

(3) Sixty (60) days after entry of an order revoking probate of a will of the decedent previously admitted to probate

and contested under section 17 of this chapter.

However, in the case of an individual presumed dead under IC 29-2-5-1, the three (3) year period commences with the date the individual's death has been established by appropriate legal action.

(f) (g) This subsection applies with respect to the will of an individual who dies after June 30, 2011. If:

(1) no estate proceedings have been commenced for a decedent; and

(2) an asset of the decedent remains titled or registered in the name of the decedent;

the will of the decedent may be presented to the court for probate and admitted to probate at any time after the expiration of the deadline determined under subsection **(f) (f)** for the sole purpose of transferring the asset described in subdivision (2). A will presented for probate under this subsection is subject to all rules governing the admission of wills to probate."

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 5. IC 29-1-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. **(a)** When a person dies, ~~his~~ **the person's** real and personal property; passes to persons to whom it is devised by ~~his~~ **the person's** last will, or, in the absence of such disposition, to the persons who succeed to ~~his~~ **the person's** estate as ~~his~~ **the person's** heirs; but it shall be subject to the possession of the personal representative and to the election of the surviving spouse and shall be chargeable with the expenses of administering the estate, the payment of other claims and the allowance is under IC 29-1-4-1, except as otherwise provided in IC 29-1.

(b) Prima facie evidence of the devolution of real estate title to distributees under this section may be established by an affidavit containing the following information:

(1) The decedent's name.

(2) The decedent's date of death.

(3) A description of the most recent instrument recorded in the office of the recorder of the county where the real estate is located.

(4) A description of the most recent instrument responsible for conveying title to the real estate.

(5) A description of the conveyed real estate as it appears in the instrument described in subdivision (4).

(6) Identifying information unique to the instrument or instruments described in subdivisions (3) and (4), as applicable, that may be used by the recorder to identify the instrument or instruments, as applicable, in the recorder's records.

(7) An explanation of how title devolved to each distributee under this section, including a recitation of devolution by:

(A) intestate transfer under IC 29-1-2-1; or

(B) a decedent's last will and testament that has been admitted to probate under section 9 of this chapter.

(8) A statement that establishes that:

(A) at least seven (7) months have elapsed since the decedent's death;

(B) no letters testamentary or letters of administration have been issued to a court appointed personal representative for the decedent within the time limits specified under section 15.1(c) of this chapter; and

(C) a probate court has not issued findings and an accompanying order preventing the limitations in section 15.1(b) of this chapter from applying to the decedent's real property.

(9) The name of each distributee known to the affiant.

(10) An explanation of how each portion of the fractional interest that may have devolved among multiple distributees known to the affiant was

calculated.

(c) Upon presentation of an affidavit described in subsection (b), the auditor of the county where the real estate described in subsection (b) is located must endorse the affidavit and record the estate title transfer in the auditor's real estate ownership records as an instrument that is exempt from the requirements to file a sales disclosure.

(d) Upon presentation of an affidavit described in subsection (b), the recorder of the county where the real estate described in subsection (b) is located must:

- (1) record the affidavit; and
- (2) index the affidavit as the most recent instrument responsible for the transfer of the real estate described in subsection (b).

(e) Any person may rely upon an affidavit:

- (1) made in good faith; and
- (2) under this section;

as evidence of an effective transfer of title of record (as defined in IC 32-30-3-1).

SECTION 6. IC 29-1-7-25, AS AMENDED BY P.L.163-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) Any will that has been proved or allowed in any other state or in any foreign country, according to the laws of that state or country, may be received and recorded in this state:

- (1) before the deadlines imposed by section ~~15-1(e)~~ **15.1(f)** of this chapter, unless the will is probated for a purpose described in section ~~15-1(f)~~ **15.1(g)** of this chapter; and
- (2) in the manner and for the purpose stated in sections 26 and 27 of this chapter.

(b) A foreign will received and recorded for a purpose described in section ~~15-1(f)~~ **15.1(g)** of this chapter may not be admitted to probate for any other purpose and is subject to all rules governing the admission of wills to probate."

Page 9, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 8. IC 29-1-8-1, AS AMENDED BY P.L.163-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

- (1) indebted to the decedent; or
- (2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or the instrument evidencing a debt, an obligation, a stock, or a chose in action to a distributee claiming to be entitled to payment or delivery of property of the decedent as alleged in the affidavit.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the distributee and must state the following:

- (1) That the value of the gross probate estate, wherever located, (less liens, encumbrances, and reasonable funeral expenses) does not exceed:

- (A) twenty-five thousand dollars (\$25,000), for the estate of an individual who dies before July 1, 2007;
- (B) fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007, and before July 1, 2019; and
- (C) one hundred thousand dollars (\$100,000), for the estate of an individual who dies after June 30, 2019.

- (2) That forty-five (45) days have elapsed since the death of the decedent.

- (3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

- (4) The name and address of each distributee that is

entitled to a share of the property and the part of the property to which each distributee is entitled.

(5) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.

(6) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

(7) That the affiant has delivered a copy to the unit if:

- (A) the decedent was at least fifty-five (55) years of age at the time of death; and
- (B) the decedent dies on or after June 30, 2019.

(8) That the affiant has notified each distributee identified in the affidavit that the distributee will be liable, subject to the limitations of liability specified under section 3.5 of this chapter, to an extent determined by the value of the property received by the distributee for any timely filed claim in the decedent's estate if the decedent dies on or after June 30, 2019.

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(6). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered ownership on the books of a corporation from the decedent to a distributee upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

(g) For purposes of subsection (a), a distributee has the same rights as a personal representative under IC 32-39 to access a digital asset (as defined in IC 32-39-1-10) of the decedent.

(h) If the decedent:

- (1) was at least fifty-five (55) years of age at the time of death; and
- (2) dies after June 30, 2019;

the affiant shall deliver a copy of the affidavit required by subsection (a) to the unit.

SECTION 9. IC 29-1-8-3, AS AMENDED BY P.L.194-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **(a) As used in this section, "fiduciary" means:**

- (1) the personal representative of an unsupervised estate; or
- (2) a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.

(b) Except as otherwise provided in this section, if the value of a decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of:

- (1) **an amount equal to:**

- (A) twenty-five thousand dollars (\$25,000), for the estate of an individual who dies before July 1, 2007; and
- (B) fifty thousand dollars (\$50,000), for the estate of an

- individual who dies after June 30, 2007;
- (2) the costs and expenses of administration; and
- (3) reasonable funeral expenses;

the personal representative of an unsupervised estate or a person acting on behalf of the distributees; fiduciary, without giving notice to creditors, may immediately file a closing instrument as provided in section 4 of this chapter and disburse and distribute the estate to the persons entitled to it, and file a closing statement as provided in section 4 of this chapter: as provided in section 4 of this chapter.

(b) (c) If an estate described in subsection (a) includes real property, an affidavit may be recorded in the office of the recorder in the county in which the real property is located. The affidavit must contain the following:

- (1) The legal description of the real property.
- (2) The following statement:
 - (A) If the individual dies after June 30, 2007 the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: fifty thousand dollars (\$50,000), the costs and expenses of administration, and reasonable funeral expenses."
 - (B) If the individual dies before July 1, 2007, the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: twenty-five thousand dollars (\$25,000), the costs and expenses of administration, and reasonable funeral expenses."
- (3) The name of each person entitled to at least a part interest in the real property as a result of a decedent's death, the share to which each person is entitled, and whether the share is a divided or undivided interest.
- (4) A statement which explains how each person's share has been determined.
- (5) A statement that the affiant has delivered a copy of the affidavit to the unit (as defined in IC 29-1-1-3(a)(30)) not less than thirty (30) days before the affidavit is recorded in the office of the recorder if the decedent:
 - (A) was at least fifty-five (55) years of age at the time of death; and
 - (B) dies after June 30, 2019.
- (6) A statement that the affiant has notified each distributee identified in the affidavit that the distributee will be liable, subject to any limitations of liability under other provisions of this article, to an extent determined by the value of the property received by the distributee for any timely filed claim in the decedent's estate if the decedent dies after June 30, 2019.
- (d) If the decedent:
 - (A) was at least fifty-five (55) years of age at the time of death; and
 - (B) dies after June 30, 2019;

the fiduciary shall deliver to the unit a copy of the closing statement described in subsection (b) or the affidavit described in subsection (c) not later than thirty (30) days before the affidavit is recorded in the office of the recorder.

SECTION 10. IC 29-1-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) When a copy of an affidavit is provided to the unit under section 1(h) or 3(d) of this chapter, the property transferred under the affidavit is not subject to a claim filed by the unit unless the unit determines that it has a claim for reimbursement and the unit:

- (1) files a claim and provides a copy of the claim to each distributee identified in the affidavit not less than thirty (30) days after the unit receives a copy of the affidavit; or

- (2) provides to each distributee identified in the affidavit the following notice not later than thirty (30) days after the unit receives a copy of the affidavit:

NOTICE OF POTENTIAL CLAIM

You are identified as a distributee of assets formerly owned by _____, deceased (hereinafter referred to as the "decedent"), in an affidavit (hereinafter referred to as the "affidavit") that was delivered to the estate recovery unit of the office of Medicaid policy and planning (hereinafter referred to as the "unit") pursuant to IC 29-1-8-1(h) or IC 29-1-8-3(d), as shown by a copy of the affidavit attached to this notice. You are hereby notified that the unit holds a potential claim against the decedent's estate and that you may be compelled to deliver to the personal representative of the decedent's estate the value of any money or other property described in the affidavit that you may have received following the decedent's death unless a petition is not filed under IC 29-1-7-5 or the unit elects not to file a claim in the decedent's estate and deliver a copy of the claim to you not later than three (3) months after the date of this notice.

Dated at _____, Indiana, this ____ day of _____, 20__.

Estate Recovery Unit of the Office of Medicaid Policy and Planning

By: _____

Printed Name: _____

Title: _____

(b) With respect to a decedent who dies after June 30, 2019, if:

- (1) an affidavit is provided to the unit under section 1(h) or 3(d) of this chapter; and
- (2) the unit does not file a claim in the decedent's estate and deliver a copy of the claim to each distributee identified in the affidavit not later than three (3) months after the date of the notice described in subsection (a);

the distributee's interest in the property described in the affidavit shall not be subject to a claim filed by or on behalf of the unit.

(c) A bona fide purchaser, lender, or title insurance company may rely upon a representation in an affidavit made by a distributee of real property that the unit has not delivered a notice to the distributee under subsection (a) and that the interest of the bona fide purchaser, lender, or title insurance company in the real property will be free from a claim by the unit under IC 29-1-17-10(c) if the unit has not filed a claim in the decedent's estate not later than five (5) days after the affidavit is recorded under section 3(c) of this chapter.

SECTION 11. IC 29-1-8-4, AS AMENDED BY P.L.194-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) As used in this section, "fiduciary" means:

- (1) the personal representative of an unsupervised estate; or
- (2) a person appointed by a court under this title to act on behalf of the decedent or the decedent's distributees.

(a) (b) Unless prohibited by order of the court and except for estates being administered by supervised personal representatives, a personal representative or a person acting on behalf of the distributees fiduciary may close an estate administered under the summary procedures of section 3 of this chapter by filing with the court, at any time after disbursement and distribution of the estate, a verified statement stating that:

- (1) to the best knowledge of the personal representative or person acting on behalf of the distributees fiduciary, the value of the gross probate estate, less liens and encumbrances, did not exceed the sum of:

- (A) twenty-five thousand dollars (\$25,000), for the

estate of an individual who dies before July 1, 2007, and fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007;

(B) the costs and expenses of administration; and

(C) reasonable funeral expenses;

(2) the ~~personal representative or person acting on behalf of the distributees fiduciary~~ has fully administered the estate by disbursing and distributing it to the persons entitled to it; and

(3) the ~~personal representative of an unsupervised estate or person acting on behalf of the distributees fiduciary~~ has sent a copy of the closing statement to all distributees of the estate and to all creditors or other claimants of whom the ~~personal representative or person acting on behalf of the distributees fiduciary~~ is aware and has furnished a full accounting in writing of the administration to the distributees whose interests are affected;

(4) the ~~fiduciary~~ has delivered a copy to the unit if the decedent was at least fifty-five (55) years of age at the time of death if the decedent dies after June 30, 2019; and

(5) each distributee identified in the statement will be liable, subject to the limitations of liability specified under section 3.5 of this chapter, to an extent determined by the value of the property received by the distributee for any timely filed claim in the decedent's estate if the decedent dies on or after June 30, 2019.

(b) (c) If no actions, claims, objections, or proceedings involving the ~~personal representative of an unsupervised estate or person acting on behalf of the distributees fiduciary~~ are filed in the court within three (3) two (2) months after the closing statement is filed, the ~~fiduciary~~ may immediately disburse and distribute the estate free from claims to the persons entitled to the disbursement and distribution. After disbursing and distributing an estate, the ~~fiduciary~~ must file a report in the court of the disbursement and distribution. The appointment of the personal representative or the duties of the ~~person acting on behalf of the distributees fiduciary~~, as applicable, shall terminate upon the filing of the report.

(c) (d) A closing statement filed under this section has the same effect as one (1) filed under IC 29-1-7.5-4.

(d) (e) A copy of any affidavit recorded under section 3(b) 3(c) of this chapter must be attached to the closing statement filed under this section."

Page 14, line 12, strike "IC 29-1-7-15.1(d)(2)" and insert "IC 29-1-7-15.1(e)(2)".

Page 14, line 12, strike "IC 29-1-7-15.1(d)(3)" and insert "IC 29-1-7-15.1(f)(3)".

Page 14, delete lines 28 through 42.

Delete pages 15 through 20.

Page 21, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1591 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Torr, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1607, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 22, after ";", and insert "or".

Page 2, line 23, delete "committed;" and insert ";".

Page 2, delete lines 24 through 25.

Page 2, line 28, delete "ridicule,".

Page 2, line 28, delete "humiliate,".

Page 2, line 29, after "persons." insert "**The term does not include lawful debt collection acts, practices, or behaviors.**".

Page 3, line 6, delete "an act of".

Page 3, line 14, delete "an act of".

Page 3, delete lines 26 through 35, begin a new paragraph and insert:

"SECTION 5. IC 34-26-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Any court of record has jurisdiction to issue a civil order for protection.

(b) A petition for an order for protection:

(1) must be filed in the county in which the:

(1) (A) petitioner currently or temporarily resides;

(2) (B) respondent resides; or

(3) (C) domestic or family violence occurred; or

(2) in instances of bullying may be filed in the county where:

(A) the petitioner currently or temporarily resides;

(B) the respondent resides; or

(C) any act that comprised the bullying occurred.

(c) There is no minimum residency requirement to petition for an order for protection."

Page 5, between lines 29 and 30, begin a new line block indented and insert:

"(5) Permit the respondent and petitioner to occupy the same location for any purpose that the court determines is legitimate or necessary. The court may impose terms and conditions upon a respondent when granting permission under this subdivision."

Renumber all SECTIONS consecutively.

(Reference is to HB 1607 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

Torr, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1097

Representative Bacon called down House Bill 1097 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1097-1)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 5, line 26, delete "Beginning July 1, 2022:" and insert "**Except for a podiatrist, an optometrist, or a dentist who is part of a practice agreement entered into with an advanced practice registered nurse before July 1, 2019:**".

(Reference is to HB 1097 as printed February 15, 2019.)

BACON

Motion prevailed.

HOUSE MOTION (Amendment 1097-2)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 6, line 7, delete "the full" and insert "**six thousand (6,000) hours of documented patient care.**".

Page 6, delete line 8.

Page 6, line 20, delete "required" and insert "**requirements under subdivision (1).**".

Page 6, delete line 21.

(Reference is to HB 1097 as printed February 15, 2019.)

BARRETT

Motion prevailed. The bill was ordered engrossed.

House Bill 1180

Representative Carbaugh called down House Bill 1180 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1214

Representative Torr called down House Bill 1214 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1214-1)

Mr. Speaker: I move that House Bill 1214 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new line block indented and insert:

"(3) The health and hospital corporation created by IC 16-22-8-6."

(Reference is to HB 1214 as printed February 15, 2019.)

KIRCHHOFFER

Motion prevailed. The bill was ordered engrossed.

House Bill 1248

Representative Davisson called down House Bill 1248 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1333

Representative Speedy called down House Bill 1333 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1343

Representative Leonard called down House Bill 1343 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1343-3)

Mr. Speaker: I move that House Bill 1343 be amended to read as follows:

Page 3, line 3, after "section," insert **"However, the fiscal body of the city, town, or county may not reduce a public library's proposed operating budget in a budget year under this subsection by a greater percentage than the percentage reduction of any other taxing unit's operating budget over which the fiscal body of the city, town, or county has oversight for the budget year."**

(Reference is to HB 1343 as printed February 15, 2019.)

LEONARD

Motion prevailed. The bill was ordered engrossed.

House Bill 1398

Representative Cook called down House Bill 1398 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1398-1)

Mr. Speaker: I move that House Bill 1398 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.197-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public

records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments:

(A) may share investigatory records with a person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) shall share investigatory records with a school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12), for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university

police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

- (A) a public agency;
- (B) the state; or
- (C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

- (i) the Indiana economic development corporation;
- (ii) the ports of Indiana;
- (iii) the Indiana state department of agriculture;
- (iv) the Indiana finance authority;
- (v) an economic development commission;
- (vi) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
- (vii) a governing body of a political subdivision;

with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

- (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or

dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2.

(B) Vulnerability assessments.

- (C) Risk planning documents.
- (D) Needs assessments.
- (E) Threat assessments.
- (F) Intelligence assessments.
- (G) Domestic preparedness strategies.
- (H) The location of community drinking water wells and surface water intakes.
- (I) The emergency contact information of emergency responders and volunteers.
- (J) Infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems.
- (K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:
 - (i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.
 - (ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".
- (L) The home address, home telephone number, and emergency contact information for any:
 - (i) emergency management worker (as defined in IC 10-14-3-3);
 - (ii) public safety officer (as defined in IC 35-47-4.5-3);
 - (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
 - (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement

agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:

- (i) a correctional officer (as defined in IC 5-10-10-1.5);
- (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
- (iii) a judge (as defined in IC 33-38-12-3);
- (iv) the victim of a crime; or
- (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the individual or the individual's parent or guardian:

- (A) Name.
- (B) Address.
- (C) Telephone number.
- (D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

- (A) Date of birth.
- (B) Driver's license number.
- (C) Taxpayer identification number.
- (D) Employer identification number.
- (E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is

classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Delete pages 2 through 8.

Page 9, delete lines 1 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1398 as printed February 15, 2019.)

COOK

Motion prevailed. The bill was ordered engrossed.

House Bill 1422

Representative Clere called down House Bill 1422 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1422-1)

Mr. Speaker: I move that House Bill 1422 be amended to read as follows:

Page 5, delete lines 27 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1422 as printed February 15, 2019.)

CLERE

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1422. Pursuant to House Rule 46, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on my income.

BARTELS

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

Representative Huston, who had been present, is now excused.

House Bill 1487

Representative Carbaugh called down House Bill 1487 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1487-1)

Mr. Speaker: I move that House Bill 1487 be amended to read as follows:

Page 30, line 5, reset in roman "fifteen dollars (\$15)".

Page 30, line 5, delete "twenty-five dollars (\$25)".

(Reference is to HB 1487 as printed February 15, 2019.)

PORTER

Upon request of Representatives Pierce and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 203: yeas 36, nays 58. Motion failed. The bill was ordered engrossed.

House Bill 1547

Representative Kirchhofer called down House Bill 1547 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1638

Representative Lehe called down House Bill 1638 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1638-1)

Mr. Speaker: I move that House Bill 1638 be amended to read as follows:

Page 14, delete lines 32 through 42, begin a new paragraph and insert:

"(d) The board:

(1) shall assign a delegated board member to a committee of the board; and

(2) may assign a delegated board member to at least one (1) department during the fair.

With the assistance of staff, the delegated board member is responsible for compliance with the terms and conditions established by the board within the delegated board member's department during the fair.

(e) The board shall provide a list of recommendations to the commission concerning the hiring of judges for livestock and competitive events during the fair. The commission may use the recommendations provided by the board to hire judges for livestock and competitive events during the fair."

(Reference is to HB 1638 as printed February 8, 2019.)

LEHE

Motion prevailed. The bill was ordered engrossed.

House Bill 1649

Representative Eberhart called down House Bill 1649 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1649-5)

Mr. Speaker: I move that House Bill 1649 be amended to read as follows:

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 9-21-1-3, AS AMENDED BY P.L.259-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A local authority, with respect to private roads and highways under the authority's jurisdiction, in accordance with sections 2 and 3.3(a) of this chapter, and within the reasonable exercise of the police power, may do the following:

(1) Regulate the standing or parking of vehicles and electric foot scooters.

(2) Regulate traffic by means of police officers or traffic control signals.

(3) Regulate or prohibit processions or assemblages on the highways.

(4) Designate a highway as a one-way highway and require that all vehicles operated on the highway be moved in one (1) specific direction.

(5) Regulate the speed of vehicles in public parks.

(6) Designate a highway as a through highway and require that all vehicles stop before entering or crossing the highway.

(7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or more entrances to the intersection.

(8) Restrict the use of highways as authorized in IC 9-21-4-7.

(9) Regulate the operation of bicycles **and electric foot scooters** and require the registration and licensing of bicycles, including the requirement of a registration fee.

(10) Regulate or prohibit the turning of vehicles at intersections.

(11) Alter the prima facie speed limits authorized under IC 9-21-5.

(12) Adopt other traffic regulations specifically authorized by this article.

(13) Adopt traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporations.

(14) Regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways in accordance with section 3.3(a) of this chapter.

(b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations are posted upon or at the entrances to the highway or part of the highway that is affected."

Renumber all SECTIONS consecutively.

(Reference is to HB 1649 as printed February 1, 2019.)

EBERHART

Motion prevailed.

HOUSE MOTION

(Amendment 1649-2)

Mr. Speaker: I move that House Bill 1649 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"(e) Notwithstanding any other law or provision, an electric foot scooter may not be operated on an interstate highway."

(Reference is to HB 1649 as

printed February 1, 2019.)

PRYOR

Motion prevailed.

HOUSE MOTION

(Amendment 1649-1)

Mr. Speaker: I move that House Bill 1649 be amended to read as follows:

Page 4, after line 35, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "electric foot scooter" has the meaning set forth in IC 9-13-2-49.2., as added by this act.

(b) The legislative council is urged to assign to an appropriate interim study committee the topic of liability and insurance issues in relation to electric foot scooters for study during the 2019 interim of the general assembly.

(c) If the legislative council assigns the topic described in subsection (b), the interim study committee shall, not later than November 1, 2019, report the results of the study and any recommendations for legislation to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires January 1, 2020.

SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1649 as printed February 1, 2019.)

PRYOR

Motion failed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1649-4)

Mr. Speaker: I move that House Bill 1649 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 8. IC 9-21-11-13.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.7. If a person uses an electric foot scooter to commit the offense of dealing in a controlled substance under IC 35-48-4, the person or entity that owns the electric foot scooter shall provide any information requested by a law enforcement agency as the information relates to the person and the electric foot scooter used during the commission of the offense."

Renumber all SECTIONS consecutively.

(Reference is to HB 1649 as printed February 1, 2019.)

PORTER

Motion failed. The bill was ordered engrossed.

House Bill 1652

Representative Lindauer called down House Bill 1652 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1652-1)

Mr. Speaker: I move that House Bill 1652 be amended to read as follows:

Page 2, line 37, delete "residents" and insert **"a specific patient"**.

(Reference is to HB 1652 as printed February 15, 2019.)

LINDAUER

Motion prevailed. The bill was ordered engrossed.

House Bill 1427

Representative Leonard called down House Bill 1427 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1427-1)

Mr. Speaker: I move that House Bill 1427 be amended to read as follows:

Page 66, delete lines 6 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1427 as printed February 15, 2019.)

TORR

Motion failed. The bill was ordered engrossed.

Representative Huston, who had been excused, is now present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1177

Representative Ziemke called down Engrossed House Bill 1177 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 204: yeas 88, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Neimeyer.

Engrossed House Bill 1181

Representative Lehman called down Engrossed House Bill 1181 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 205: yeas 59, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and L. Brown.

Engrossed House Bill 1253

Representative Lucas called down Engrossed House Bill 1253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 72, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman, Tomes and Raatz.

Engrossed House Bill 1311

Representative Saunders called down Engrossed House Bill 1311 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 63, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Walker.

Representatives Bauer, Eberhart, Huston and Porter, who had been present, is now excused.

Engrossed House Bill 1641

Representative Behnke called down Engrossed House Bill 1641 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 58, nays 34. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Buchanan.

OTHER BUSINESS ON THE SPEAKER'S TABLE**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 84, that House Bill 1643 had been re-referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1125.

ELLINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1138.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bartels and Young be added as coauthors of House Bill 1235.

COOK

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be added as coauthor of House Bill 1253.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bauer and Baird be added as coauthors of House Bill 1299.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Boy be removed as coauthor of House Bill 1311.

SAUNDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Huston and Austin be added as coauthors of House Bill 1333.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pressel be added as coauthor of House Bill 1345.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Forestal and Lehman be added as coauthors of House Bill 1362.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lauer, Lehman and Bartlett be added as coauthors of House Bill 1500.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1596.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1607.

HATFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1628.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Senate Bill 434.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Abbott, Austin, Aylesworth, Bacon, Baird, Barrett, Bartels, Bartlett, Bauer, Beck, Borders, Bosma, Boy, Burton, Campbell, Candelaria Reardon, Carbaugh, Cherry, Chyung, DeLaney, DeVon, Deal, Eberhart, Ellington, Engleman, Errington, Forestal, Frizzell, GiaQuinta, Gutwein, Hamilton, Hatcher, Hatfield, Heaton, Heine, Hostettler, Jackson, Jordan, Judy, Karickhoff, Kirchhofer, Klinker, Lauer, Lehman, Leonard, Lindauer, Lucas, Lyness, Mahan, Manning, May, Mayfield, McNamara, Moed, Morris, Morrison, Moseley, Negele, Pfaff, Pierce, Prescott, Pressel, Pryor, Saunders, Schaibley, Shackelford, Smaltz, V. Smith, Soliday, Speedy, Steuerwald, Stutzman, Summers, Torr, VanNatter, Wesco, Wolkins, Wright, Young, Zent and Ziemke be added as coauthors of House Concurrent Resolution 12.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Barrett be added as coauthor of House Concurrent Resolution 16.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as cosponsor of Senate Concurrent Resolution 28.

CARBAUGH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 258 and 606 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 28 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mahan, the House adjourned at 7:18 p.m., this eighteenth day of February, 2019, until Tuesday, February 19, 2019, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives